

UNITED ARAB EMIRATES

THE CABINET

CABINET RESOLUTION NO. (22) OF 2019 REGARDING THE EXECUTIVE REGULATION OF FEDERAL
LAW NO. (10) OF 2017 ON DOMESTIC WORKERS

The Cabinet

- Having considered the Constitution,
- Federal Law No. (1) of 1972 On the Jurisdictions of Ministries and Powers of the Ministers, as amended,
- Federal Law No. (10) of 2017 On Domestic Workers,
- And Based on the presentation of the Minister of Human Resources and Emiratisation and the approval of the Cabinet,

Resolved:

Article (1)

Definitions

The State: The United Arab Emirates

The Ministry: The Ministry of Human Resources and Emiratisation.

The Minister: The Minister of Human Resources and Emiratisation.

The worker: The natural person performing a domestic service in return for a wage, under the employer's direction, supervision and guidance.

The employer: Every natural person or recruitment agency hiring a worker to perform a domestic work.

Domestic Work: a service performed by the worker to the employer or his family in the workplace according to the law.

The beneficiary: a natural person hiring a worker by way of temporary employment.

Temporary employment: A system by virtue of which a recruitment agency hires a worker for the purpose of assigning the worker to employment by a third party (the beneficiary) to perform one of the work categories governed by the provisions of this law. The work shall be performed under the beneficiary's supervision and direction.

Recruitment agency: The agency authorized in accordance with the provisions of this law, to act as an intermediary to recruit workers upon the employer's request, or to assign workers to temporary employment.

The family: Persons bound by kinship or related by marriage to the employer or being supported by the employer for any legal or moral reason.

The workplace: The permanent or temporary residence of the employer or his/her family, of the service beneficiary or his/her family, including private farms and the like.

Mediation: bringing the views of the parties, or their representatives nearer and negotiating on the conditions of the contract and employment, whether this results in creation of a work relationship or otherwise, and without the office being a party to the work relationship resulting from such mediation.

Employment contract: Every fixed-term employment agreement concluded between the employer and the worker regulating the rights and obligations of both parties in accordance with the unified standard contract that is adopted the Ministry.

The wage: The basic wage stipulated by the employment contract, without any additional allowances, bonuses or any other benefits.

Total wage: The basic wage in addition to all of the allowances and bonuses and any other benefits stipulated by the employment contract.

The Law: Federal Law No. (10) of 2017 On Domestic Workers.

REQUIREMENTS FOR LICENSING A RECRUITMENT AGENCY

ARTICLE (2)

1. For a recruitment agency to be licensed:
 - a. The license applicant must be a UAE citizen.
 - b. The applicant must have completed twenty-one years, with full capacity and good reputation, if the applicant is a natural person.
 - c. If a natural person or a legal person, the applicant, or any of the partners in the legal person, may not be condemned in any human trafficking crime, even if his name is cleared.
 - d. The applicant may not be the owner or a partner in an establishment that met one of the requirements of the suspension of establishments under the Ministry's applicable laws and regulations.
 - e. The applicant must submit an acknowledgement according to the form prepared by the Ministry to the effect that the applicant agrees and undertakes to comply with the contents of the manuals issued by the Ministry in the field of domestic work.
 - f. The applicant must conduct its activity through the service centers specified by the Ministry.
 - g. Employment contracts concluded by the applicant must be identical to the forms prepared by the Ministry. If the contract fails to include any obligation, the office shall assume the responsibility therefor.
 - h. The applicant must submit evidence on the worker's signature on the employment offer before consummating the work relationship and employing the worker.

- i. The applicant must use the electronic systems and programs specified by the Ministry.
 - j. The applicant must maintain and organize the registers specified by the Ministry.
 - k. The applicant must establish a database according to the forms and standards developed by the Ministry, provided this database must contain complete information on employers the applicant dealt with, their addresses and categories of workers recruited by the office. The office shall maintain the said database throughout the term of the license.
 - l. The license applicant may not be an employee in the related operational sectors in the Ministry, or a first-degree relative of such employee, including the husband/wife.
 - m. The applicant must submit a business feasibility study developed by an office approved in the State, when required by the Ministry.
 - n. Any other requirements specified by the Ministry.
2. The Ministry may reject the application for licensing a recruitment office in the following case:
- a. If the office has a license cancelled or terminated by the Ministry for any reason.
 - b. if the applicant repeatedly violates the Ministry's laws and regulation.

Article (3)

1. the license applicant shall appoint a UAE citizen as the director of the office, provided such director shall have full capacity, good reputation and appropriate qualifications.
2. The office owner or a partner therein may be the office director, so long as he meets the requirements for such position, according to the controls to be specified by a decision from the Minister or his authorized person.

Article (4)

The license applicant shall submit to the Ministry a bank guarantee or an insurance to be renewed automatically. The Ministry may allocate such guarantee or insurance, or any part thereof, to recover any amounts due on the recruitment office as a result of its failure to perform its obligations under the Law, its Executive Regulation or concluded contracts. Bank guarantees shall be liquidated, and insurance policies shall be collected in these cases upon the Ministry's request.

Article (5)

The license holder may not assign or sublease the license or change the structure of partnership through addition or replacement before obtaining the Ministry's written consent.

Article (6)

Priority in granting recruitment office licenses shall be to owners of licensed domestic work businesses according to the Ministry's applicable laws and regulations. Those owners must apply for a license within six months from the date of entry into force of this Decision.

Article (7)

1. Before bringing the worker into the State, the recruitment office shall:
 - a. Subject the worker to comprehensive medical checkups to ensure that the worker is physically, mentally and psychologically fit for the work he/she is to perform and that the worker suffers from no chronic or contagious diseases or health conditions that may limit the worker's ability to perform the work.

A worker shall not be medically fit for work in the cases specified by the Ministry of Health and Community Prevention or medical authorities approved in the State.
 - b. Inform the worker of all the employer's requirements the worker must met, in terms of experience and qualifications.

- c. Make sure that the worker holds a certificate of experience in the required job, if it is a profession for which the State requires specific certificate such as nursing and car driving.
 - d. Enable the worker to review the employment offer that is identical to the employment contract to be concluded between him/her and the employer and secure the worker's signature in acceptance thereof.
 - e. Provide a certificate from the concerned authorities in the worker's country to the effect that the worker has not be convicted in any crimes and that he / she enjoys good reputation, in the cases specified by the Ministry.
 - f. Submit evidence that the office deals with officially approved entities in the country from which the worker is brought.
 - g. Submit evidence that the applicant will assume direct responsibility for the payment by the worker of any amounts as commission to facilitate the worker's entry into the State and conclusion of the contract.
2. The Minister, or the person authorized by him, may exempt the office from any of the obligations set out in (b), (c), (d), (e) and (g) of this Article, if the employer specified the worker to be recruited by name, provided such exemption may not prejudice public interests.

Article (8)

Determining the Fees of the Recruitment Office

Based upon the Cabinet's approval, the Minister or his authorized person shall issue a decision on the value and controls of the fees payable by customers to the recruitment office.

ARTICLE (9)

CASES IN WHICH THE WORKER MAY LEAVE HIS WORK

1. A worker may leave the work, with all the worker's rights reserved, two weeks from a notice by the worker to the Ministry of any of the following, if the worker's conditions are not settled:
 - a. If the worker's wage is reduced less than the wage agreed on and provided for in the employment contract.
 - b. If the employer fails to perform his obligations under the employment contract.
 - c. In all cases, the worker must consult the recruitment office to stay therein or specify another place to stay therein and a method to contact him and a notice to that effect must be sent to the Ministry.
2. The worker may leave the work without prior notice if the employer, or his representative, physically assaults the worker or disdains or inflict on him any form of sexual harassment punishable under the laws in force in the State. In all cases, the worker must inform the competent authorities immediately after the assault and inform the Ministry within three days from leaving the work.
3. The worker may leave the work and reserve his right for the period of service, if he agrees with the employer to leave the work to move to another employer or leave the State. In these cases, the Ministry's prior approval must be obtained.

Article (10)

Reimbursing the employer for the worker's recruitment fees

1. The recruitment office shall reimburse to the employer the entire amount paid by the employer, if it is established that the office has any role in any of the following:
 - a. If the worker terminates the contract, after the probation period, without a cause attributable to the employer.

- b. If the worker, after the probation period, leaves the work without an acceptable cause.
2. If it is established that the office has no role in any of the cases set out in (1) above, the office shall reimburse a part of the amount paid by the employer. Such part shall be calculated as follows: (total recruitment cost / the worker's contract term in months) * remaining period of the worker's contract.
3. In all cases provided for in this Article, the office shall be under no obligation to reimburse the employer, if concerned worker is picked by name by the employer and the office is only executing the employer's will.
4. The office shall reimburse the employer within one month from returning or reporting the worker to the office.

Article (11)

Weekly Rest Day

The worker shall be entitled to a weekly rest day to be determined by agreement between the worker and the employer, subject to fixed times as much as possible from the start of the contract. The employer may require the worker to work on his weekly rest day, subject to the worker's entitlement to another rest day in place of the original rest day or a cash compensation equaling the total wage thereof, provided the worker may not be required to work on more than two rest days in two consecutive weeks, unless there is agreement otherwise.

Article (12)

Organizing Working Hours

The employer may organize the daily working hours during which the worker is required to perform his duties according to the nature of the work or as required by the house, provided the worker's daily rest may

not be less than twelve hours, eight of which must be consecutive. The times during which the worker does no work or which the worker spends in resting or eating shall not be taken into consideration in calculating actual working hours.

Article (13)

Working for Others

1. The worker may not work for any person other than the employer or beneficiary provided for in the employment contract without the Ministry's approval.
2. By way of exception from (1) above, the worker may work for relatives up to fourth-degree relative, in case of family gathering, or for any of first-degree children or parents.

Occupational Health and Safety Requirements

Article (14)

The employer and the recruitment office shall advise the worker, upon recruiting him, of the risks of his work and the prevention methods he must use. They shall provide the worker with personal methods to protect the worker from work risks and occupational diseases, such as protective clothes, gloves, shoes and other tools and methods that ensure the workers health and physical safety. In addition, the employer shall provide the required measures to protect the worker form work dangers and diseases.

Article (15)

The worker shall observe the orders and instructions related to work security and safety and shall use protection methods and preserve those of such methods under his possession. The worker may not engage in any act that result to the failure to execute the said instructions or misuse the methods provided to protect the worker's health and safety or damage these methods.

Article (16)

1. If a dispute arises between the worker and his employer and amicable settlement thereof can be reached, the said dispute shall be referred to the Ministry through the channels the Ministry specifies.
2. Upon receiving the dispute, the Ministry shall:
 - a. present the same to the directorate concerned with domestic workers sector, or any other entity specified by the Ministry, which shall notify the parties to appear before it, at their respective addresses stated in the complaint file. Otherwise, the parties shall be notified at their respective addresses stated in the Ministry's files.
 - b. The competent researcher shall, after hearing the statements of the parties, offer conciliation according to the Ministry's applicable regulations.
 - c. If no amicable settlement can be reached, the Ministry shall refer the dispute to the competent court within two weeks from the date of submitting the complaint, accompanied by a note on legal opinion.
3. In all cases, a claim before the competent court shall not be admissible before following the procedure provided for in this Article.

Article (17)

Term of the Employment Contract

The employment contract shall be a limited contract with a renewable term of two years renewable. If the parties continue to perform the contract after the expiry of its original term, the contract shall be regarded as extended under the same conditions, including the term clause.

Article (18)

Requirements and Conditions of Temporary Employment

1. The following shall be required for temporary employment:
 - a. The recruitment office must be licensed under the law and under this Resolution.
 - b. The worker must be existing in the State or brought from outside it.
 - c. The worker employed on a temporary basis must reside in the workplace specified by the beneficiary, unless otherwise agreed on by the beneficiary and the recruitment office.
 - d. A contract must be executed, according to the form prepared by the Ministry, between the recruitment office and the beneficiary and a copy thereof must be handed to the worker.
2. The recruitment office, in its capacity as the employer, may not refuse to perform any of its obligations to the worker as a result of the beneficiary's failure to perform his agreement with the office. The office shall be jointly liable with the beneficiary for the performance of these obligations, reserving the office's legal rights against that beneficiary.
3. A foreigner residing in the State may employ a domestic worker only on a temporary basis which does not end by transfer, according to the terms and controls established by the Ministry.
4. The following shall be excluded from the application of provisions (3) above:
 - a. Individuals and families whose monthly income exceed AED 35,000 earned from known sources.
 - b. Categories licensed to obtain domestic workers according to Cabinet Resolutions.
 - c. Medical conditions established by approved medical certificates, provided the individual or family has a monthly income of AED 15,000 as a minimum.
 - d. High-profile professionals such as consultants in different fields, judges and counsellors.

- e. Any other cases decided by the Minister that satisfy the requirements of guaranteeing workers' rights and adherence to the rules of the labor market of this category of workers in the State.

Final Provisions

Article (19)

The provisions of this Resolution shall apply to contracts concluded after the entry into force hereof and to contracts concluded before such entry into force when these contracts or the residency are renewed.

Article (20)

Any and all provisions in violation or conflict herewith shall be cancelled.

Article (21)

This Resolution shall be published in the Official Gazette and shall enter into force as of the date of its issuance.

Mohamed Bin Rashid Al Maktoum

The Prime Minister

//signed//

Issued by us:

Dated: 28 Jumadah Al Akherah 1440 H

Corresponding to: 5 March 2019 G